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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JENS ERIK SORENSON,
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13 vs. Plaintiff,
14 LOWE'S COMPANIES, INC., et al.,
15 Defendant.

CASE NO. 09cv59 BTM (CAB)

**ORDER GRANTING DEFENDANTS'
EX PARTE MOTION FOR
EXTENSION OF TIME TO
RESPOND TO PLAINTIFF'S
AMENDED COMPLAINT**

16 On January 14, 2009, Plaintiff Sorenson filed a Complaint against Defendants Lowe's
17 Companies, Inc., LG Sourcing, Inc. and Does 1-100. On February 17, 2009, Defendants
18 filed an Ex Parte Motion for Extension of Time to Respond to Plaintiff's Complaint.

19 On February 18, 2009, Plaintiff filed an Amended Complaint. Plaintiff also filed a
20 "Notice of Mootness," arguing that the Amended Complaint mooted Defendants' request for
21 an extension of time. In its Amended Complaint, Plaintiff added Lowe's HWI, Inc., as a
22 Defendant.

23 On February 19, 2009, Defendants filed a Supplemental Motion to their Ex Parte
24 Motion. Defendants contended that Plaintiff's Amended Complaint did not moot their original
25 request for an extension of time, since the Federal Rules of Civil Procedure would still require
26 them to respond prior to March 23, 2009, the date requested in their Ex Parte Motion.

27 The Court may extend time for good cause upon party request before the original time
28 to respond expires. Fed. R. Civ. P. 6(b)(1)(A). Defendants request an extension of time here

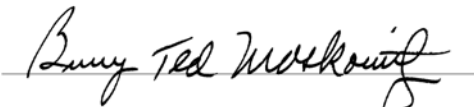
1 to conduct additional investigation and evaluate settlement opportunities. Defendants argue
2 that allowing them additional time will conserve judicial resources. Defendants also claim
3 that because the '184 patent has expired and the current action seeks solely damages,
4 Plaintiff will not be prejudiced by the extension.

5 The Court finds good cause to grant Defendants' request for an extension of time to
6 respond to Plaintiff's Complaint. Defendants have asked the Court for a reasonable period
7 of time to determine through further investigation the proper response to Plaintiff's Complaint.

8 Given the current stay of many of the cases related to this matter, Plaintiff should not suffer
9 prejudice as a result of the reasonable extension Defendants request. The Court thereby
10 **GRANTS** Defendants' Ex Parte Motion for Extension of Time to Respond to Plaintiff's
11 Complaint. The Court further **ORDERS** Defendants to file and serve upon Plaintiff their
12 response on or before **Monday, March 23, 2009**.

13 **IT IS SO ORDERED.**

14 **DATED: March 6, 2009**

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16 **Honorable Barry Ted Moskowitz**
17 **United States District Judge**
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